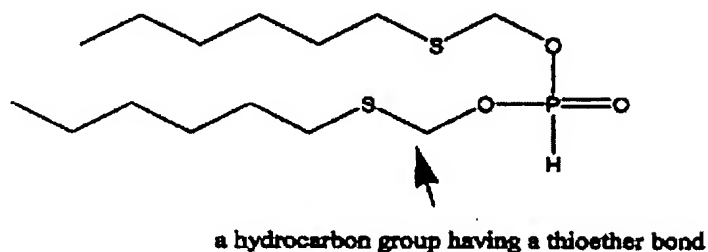


REMARKS/ARGUMENTS

Support for the amendment to Claim 1 is found in the claim as originally filed. Support for new Claim 11 is found in original Claim 1, as is support for new Claim 12. The amendments to Claims 2-10 remove improper multiple dependencies and improve readability. No new matter has been entered.

By the above amendment the lubricating oil composition of present Claim 1 now requires the presence of component (B), a phosphoric ester containing a hydrocarbon group having a thioether bond. Such compounds are described in the originally filed specification at page 12, line 11 – page 14, line 17. An example of such a compound appears below:



Tipton, cited as anticipating the claims, does not disclose a compound as recited in component (B) described above. While Tipton describes, as an optional component of the disclosed traction fluids, a phosphorus acid, a phosphorus acid salt, a phosphorus ester, or mixtures thereof at column 14, lines 5ff, the described materials do not and cannot contain a hydrocarbon group having a thioether bond.

In particular, in Tipton's formula appearing at column 14, line 8, X can be a sulfur atom, but this is not important. In present component (B), the hydrocarbon group must have a thioether bond. This hydrocarbon group corresponds to R¹, R², and R³ in the Tipton

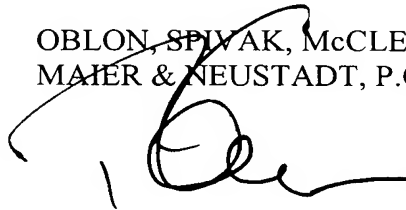
formula, which must be simple hydrocarbon or hydrocarbonyl groups. No thioether bond is disclosed or suggested. See column 11, lines 10-11 of Tipton.

It is thus clear that Tipton does not anticipate the presently amended claims. Further, Conary does not disclose such a material, Conary having been cited against pending Claim 7 for a teaching of a sulfur containing anti-wear agent. While Conary discloses "organic sulfur anti-wear and/or extreme pressure additives" at column 1, lines 35-36, this disclosure is insufficient to make up for the lack of a teaching or suggestion in Tipton of a phosphoric ester containing a hydrocarbon group having a thioether bond.

Accordingly, and in view of the differences between what is presently claimed and what is disclosed by the references, Applicants respectfully submit that the presently pending claims are patentable thereover. Early notification to this effect is respectfully requested, as is the passage of this case to Issue.

Respectfully submitted,

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